

Remarks

In view of the above amendments and discussion to follow, reconsideration of the subject application is requested. Claims 1-3 have been withdrawn from consideration. Claims 4, 9, and 16-21 have been canceled. New claims 22 and 23 have been added. The claims presently under consideration are claims 5-8, 10-15, 22 and 23.

New independent claim 22 replaces original independent claim 4. It, as well as new Claim 23, find ample support in the specification and the drawings. The claims better define the invention in describing the alignment marks and their position on the shaft and club head of the golf club. No new matter has been added.

Summary of the Invention

Applicant's invention relates to an improved golf club. The improvement is useful with all types of golf clubs including drivers, irons, wedges, and putters. The purpose of the improved golf club is to allow the golfer to properly aim the club to the target and properly align the sweet spot of the club head with the golf ball. The target can be a spot on the fairway or a hole on the green. The sweet spot roughly coincides with a geometric center of the club head. It is well known that a properly swung golf club should hit the golf ball on the club's sweet spot. The golf club of the invention also ensures that the golfer has properly squared the club face with the ball and has properly aligned the golfer's stance with a line from the ball to the target.

The claimed golf club has a shaft and a club head. In accord with the invention, it further has a first alignment mark on a top

surface of a grip member positioned on the shaft. A second alignment mark is on the club head. The second alignment mark is proximate a centerline of the club head, which approximates the club head's sweet spot. Each alignment mark is substantially perpendicular to the club face. Further, the two alignment marks are parallel, one to the other. In use, the golfer initially positions the club head directly behind the ball such that the second alignment mark is approximately centered with the golf ball. The golfer next tilts the shaft such that the first alignment mark on the grip member's top surface is aligned over the center of the golf ball. The golfer uses the first alignment mark to aim the ball directly to the target. The golfer next takes his normal striking position without laterally moving the club. Because of the alignment marks, the club head is centered on the golf ball and is properly aimed towards the target. When properly swung, the sweet spot of the club head will squarely hit the golf ball for maximum power.

35 USC 103 Rejection

The Examiner has rejected claims 4, 5, and 9-21 under 35 USC 103 over Ferris, in view of Ahn et al., Devore, and White. Original independent claim 4 has been replaced with new independent claim 22. It is respectfully submitted that the claims presently in the application are unobvious over the cited prior art.

It initially is questioned whether Ferris can be used as prior art in rejecting Applicant's claims. The present patent application is a continuation-in-part of an application filed July 8, 2002, which in turn claimed the priority of a provisional patent

application filed July 16, 2001. The golf club forming the basis of the claims now under consideration was adequately disclosed in the CIP and provisional applications. The earliest usable date for prior art purposes of Ferris is January 4, 2002. It is submitted Applicant's invention predates the Ferris patent.

Regardless, Applicant's invention is novel and unobvious over Ferris. Ferris discloses a putter type golf club. The uniqueness of the disclosed invention appears to be primarily in the handle. The handle is described as having a generally oval cross-sectional shape which includes a first rounded forward edge and a second rounded rearward edge. The only relevance to the patentability of Applicant's invention is the inclusion of what can be considered cross hairs on a top surface of the handle. The cross hairs include one line which extends lengthwise and a second line which extends widthwise. There is no indication that the club head of the putter has a line of any nature. The cross hairs provided on the top surface of the handle are said to assist the golfer to properly align the golf club. It is Applicant's position that this alone is not sufficient. In fact, the golfer who stands to sight the top of the golf club handle to the ball and to the target, such as a hole, as Ferris teaches, will not be successful. The golfer simply cannot see both the ball and the hole at the same time. The ball is too far away and outside his field of vision.

Applicant's claimed golf club includes a first alignment mark on a top surface of the club handle and a second alignment mark on the club head. The two alignment marks are parallel. Both lines are necessary to get proper aiming and striking power. This later feature is important with that aspect of Applicant's invention

relating to drivers, wedges, and irons.

The Examiner has recognized the deficiency of the Ferris disclosure and has cited secondary references to Ahn et al., Devore, and White. The secondary references all disclose the inclusion of a straight line on a top surface of a putter's club head. None of the three disclosures make mention of another line or mark of any nature on the top surface of the club shaft. The Examiner has taken the position that it would be obvious to combine the technology of Ferris with the technology of second reference to Ahn et al., Devore, and White. There is nothing in the four disclosures which would suggest such a combination. Each of the inventors of the respective inventions felt that his disclosed putter achieved its objective. That is, a superior putter which helped the golfer to properly align the golf club, the golf ball, and the target.

It should be noted that all the putters are rather elaborate in their design. They have much more than just a single alignment line. Thus, the Ferris golf club has the rather odd shaped handle. The Ahn et al. putter has a concave horizontal face. The Devore putter has a cylindrical body with a flat face on top, an outer shell of aluminum alloy, and an inner core of brass. The White putter has upper and lower off-set generally vertical front faces. The upper face extends downwardly.

Consideration must be given as to why Ferris has cross hairs on the top of the club handle, why Ahn et al., Devore, and White have straight lines on top of the club heads and why Applicant has alignment marks on both the top surface of the shaft's grip and the club head. All had the same purpose. It was Applicant, though, who realized that a set of alignment marks is needed. It is the

realization of what is needed, the precise placement of parallel alignment marks on two parts of the golf club, and the proper method of using the golf club to take full advantage of the alignment marks. Recognizably, how a claimed product is used normally has no effect on the patentability of the product itself. However, the manner of use lends credence to the inclusion of the two alignment marks - one on the grip's top surface and one on the club head. The two alignment marks are not duplicative in nature. They are cumulative in the effect they have in maximizing accuracy and power obtained by the golf club. The second alignment mark must be used to center the club face to the ball. The first alignment mark is then used to aim the club to the target. Both alignment marks must be used and must be used in the proper sequence.

Inclusion of alignment marks on the club head and the top surface of the elongated grip may appear to be obvious because of their simplicity. However, certainly a new product, regardless of simplicity, can represent a patentable invention. Golf has been played by many people for many years. There appears to be no known golf club having the features found in Applicant's claimed invention. Applicant has devised a new golf club which has new features and provides advantages which were unexpected. The claimed invention is worthy of patent protection.

#### Claims 6-8

The Examiner has also rejected claims 6-8 over the Ferris, Ahn et al., Devore, and White references as discussed above, further in view of Duclos and Scott et al. Issue is taken with this rejection.

Claims 6-8 contain limitations as to the type of golf club; namely, an iron, wedge, and driver, respectively. The various clubs that make up a golf set are well known. Applicant's invention relates to all clubs found in a set. Independent claim 22 being patentable for the reasons discussed above, it follows that all dependent claims are also patentable.

#### Claim Objections

Claim 17 has been canceled. The cancellation obviates the objection made by the Examiner regarding mislabeling of an alignment mark.

#### Prior Art of Record

References to Takeuchi, Adams, Champion, and Robinson have been cited by the Examiner as being of interest. The four references have been noted. Detailed comments on their relevance is not needed. Suffice it to say, Applicant's claimed invention is novel and unobvious over all known prior art.

#### Conclusions

Applicant has developed a unique golf club. The club has precisely positioned alignment marks on a top surface of the shaft and on the club head itself. The alignment marks are parallel to one another. They help the golfer to properly aim the club head and also to help the golfer hit the ball with the sweet spot of the club head. Accuracy and power are two features which all golfers try to attain. It is submitted that Applicant's claimed invention represents an advance in the art. It is useful, novel, and

unobvious. An early Notice of Allowance would be appreciated.

Respectfully submitted,

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